

BEFORE THE PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

In the Matter of the Application of )

HAWAIIAN ELECTRIC COMPANY, INC. )  
HAWAII ELECTRIC LIGHT COMPANY, INC. )  
MAUI ELECTRIC COMPANY, LIMITED )

Docket No. 2008-0303

For Approval of the Advanced Meter Infrastructure )  
(AMI) Project and Request to Commit )  
Capital Funds, to Defer and Amortize )  
Software Development Costs, to Begin )  
Installation of Meters and Implement Time-Of-Use )  
Rates, for Approval of Accounting and Ratemaking )  
Treatment, and other matters. )

STIPULATED PROCEDURAL ORDER

EXHIBIT A

AND

CERTIFICATE OF SERVICE

PUBLIC UTILITIES  
COMMISSION

2009 MAR -6 P 4:06

FILED

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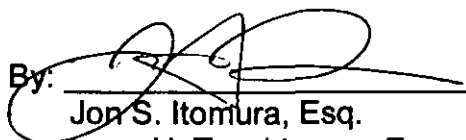
STIPULATED PROCEDURAL ORDER

Hawaiian Electric Company, Inc. ("HECO"), Hawaii Electric Light Company, Inc. ("HELCO"), and Maui Electric Company, Ltd. ("MECO"), the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs ("Consumer Advocate"), Life of the Land ("LOL"), Hawaii Renewable Energy Alliance ("HREA"), and Hawaii Solar Energy Alliance ("HSEA") (collectively the "Parties") hereby stipulate that the attached Stipulated Procedural Order is mutually acceptable to each respective party.

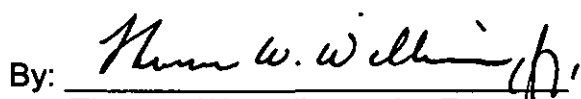
This Stipulated Procedural Order may be executed by the Parties in counterparts, each which shall be deemed an original, and all of which taken together


shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

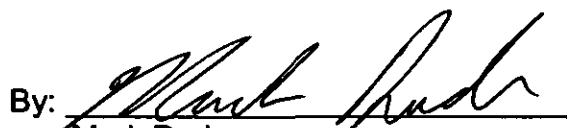
Dated: Honolulu, Hawaii, March 6, 2009.

By:   
Jon S. Itomura, Esq.  
Lane H. Tsuchiyama, Esq.  
Attorneys for  
the Division of Consumer Advocacy

By: \_\_\_\_\_  
Henry Q Curtis  
Vice President for Consumer Issues  
Life of the Land

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Thomas W. Williams, Jr., Esq.  
Peter Y. Kikuta, Esq.  
Damon Schmidt, Esq.  
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Hawaiian Electric Company, Inc.  
Hawaii Electric Light Company, Inc.  
Maui Electric Company, Ltd.

By:   
Warren S. Bollmeier II  
President  
Hawaii Renewable Energy Alliance

By:   
Mark Duda  
President  
Hawaii Solar Energy Association

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Dated: Honolulu, Hawaii, \_\_\_\_\_.

By: \_\_\_\_\_  
Jon S. Itomura, Esq.  
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**STIPULATED PROCEDURAL ORDER**

On December 1, 2008, Hawaiian Electric Company, Inc. ("HECO"), Hawaii Electric Light Company, Inc. ("HELCO") and Maui Electric Company, Inc. ("MECO"), collectively referred to herein as the "HECO Companies" or "Companies", filed an application requesting Commission approval of the Advanced Metering Infrastructure ("AMI") project.

By *Order Granting Intervention* filed February 13, 2009 ("Order"), the Commission granted the motions to intervene of Life of the Land ("LOL"), Hawaii Renewable Energy Alliance ("HREA") and Hawaii Solar Energy Alliance ("HSEA"). The HECO Companies, Consumer Advocate, LOL, HREA, and HSEA are collectively herein referred to as "Parties."

The Order directed the Parties to file by February 25, 2009, a stipulated procedural order setting forth the issues, procedures, and schedule to govern this proceeding.<sup>1</sup> If the Parties are unable to stipulate, each party shall file a proposed order for the Commission's review and consideration within the same deadline.

The Parties agree that the following provisions of this Stipulated Procedural Order are mutually acceptable to each. Accordingly, it is ordered that the following Statement of Issues, Schedule of Proceedings, and procedures shall be utilized in this docket.

### **I. STATEMENT OF THE ISSUES**

The issues in this docket are:

1. Is the HECO Companies' proposal to implement the AMI project reasonable?
2. Are the estimated project costs reasonable?
3. Is the proposed accounting treatment of AMI project costs reasonable?
4. Is the proposed cost recovery of AMI project costs for ratemaking purposes reasonable?
5. Are the terms and conditions of the Sensus Agreement between HECO and Sensus Metering Systems, Inc. reasonable, prudent and in the public interest?
6. Are the proposed time of use rates reasonable?

### **II. SCHEDULE OF PROCEEDINGS**

The Parties shall adhere to the schedule of proceedings set forth in the Stipulated Procedural Schedule attached hereto as Exhibit "A". Notwithstanding the above, the Parties may amend the Stipulated Procedural Schedule as may be agreed in writing

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<sup>1</sup> The Order specified a filing date of February 25, 2008. The Parties assume that Order meant a filing date of February 25, 2009.

from time to time; provided that the requesting party or parties receive the Commission's approval in accordance with Hawaii Administrative Rules ("HAR") § 6-61-23, to the extent applicable. However, the intent of the Parties in agreeing to a schedule at this time is to promote the efficient and cost-effective allocation of resources. Therefore, any changes to the schedule should be proposed only when there is an urgency or substantial competing need that cannot be reasonably accommodated without a change.

### **III. MISCELLANEOUS MATTERS TO FACILITATE AND EXPEDITE THE ORDERLY CONDUCT OF THESE PROCEEDINGS**

#### **A. Requests for Information**

A party to this proceeding may submit information requests to another party within the time schedule specified in this Stipulated Procedural Order. To the extent practical, the Parties will cooperate (1) by exchanging information requests and responses as they become available, and (2) by resolving questions regarding information requests and responses informally to attempt to work out problems with respect to understanding the scope or meaning of information requests, or with respect to the availability of information. If a party is unable to provide the information requested within the prescribed time period, it should so indicate to the inquiring party as soon as possible. The Parties shall then endeavor to agree upon a later date for submission of the requested information. If the Parties are unable to agree, the responding party may seek approval for the late submission from the Commission upon a showing of good cause. It is then within the Commission's discretion to approve or disapprove such late filings and take any additional action that may be appropriate, such as extending the date for the party to respond.



In lieu of responses to information requests that would require the reproduction of voluminous documents or materials (e.g., documents over 50 pages), the documents or materials may be made available for reasonable inspection and copying at a mutually agreeable designated location and time. In the event such information is available on computer diskette or other readily usable electronic medium, the party responding to the information request shall make the diskette or such electronic medium available to the other parties and the Commission. Subject to objections that may be raised and to the extent practicable, the electronic files for spreadsheets will contain all formulae intact, and will not be entirely converted to values prior to submission.

A party shall not be required, in a response to an information request, to provide data that is/are already on file with the Commission or otherwise part of the public record, or that may be stipulated to pursuant to Part B, infra. The responding party shall, in lieu of production of a document in the public record, include in its response to the information request an identification of the document with reasonable specificity sufficient to enable the requesting party to locate and copy the document.<sup>2</sup> In addition, a party shall not be required, in a response to an information request, to make computations, compute ratios, reclassify, trend, calculate, or otherwise rework data contained in its files or records.

A party may object to responding to an information request that it deems to be irrelevant, immaterial, unduly burdensome, onerous or repetitious, or where the

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<sup>2</sup> As practical, each party will cooperate in making available documents that are already on file with the Commission or otherwise part of the public record and in reproducing (at reasonable charges), such public record documents as well as voluminous material referenced by such parties, designated by the requesting parties and/or making available one copy of the designated documents for loan for a reasonable period of time to be reproduced by the requesting party.

response contains information claimed to be privileged or subject to protection (confidential information). If a party claims that information requested is confidential, and withholds production of all or a portion of such confidential information, the party shall: (1) provide information reasonably sufficient to identify the confidential information withheld from the response, without disclosing privileged or protected information; (2) state the basis for withholding the confidential information (including, but not limited to, the specific privilege applicable or protection claimed for the confidential information and the specific harm that would befall the party if the information were disclosed); and (3) state whether the party is willing to provide the confidential information to some or all representatives of the party pursuant to a protective order governing this docket.

A party seeking production of documents notwithstanding a party's claim of confidentiality, may file a motion to compel production with the Commission.

The responses of each party to information requests shall adhere to a uniform system of numbering agreed upon by the Parties. For example, the first information request submitted by the Consumer Advocate in this docket shall be referred to and designated as "CA-IR-1," and a response to this information request shall be referred to and designated as "Response to CA-IR-1."

Each response shall be provided on a separate page and shall recite the entire question asked and set forth the response and/or reference the attached responsive document.

Generally, exhibits should include appropriate footnotes, or narratives inserted in the related testimony, setting forth the sources of the information used and explaining the methods employed in making statistical compilations or estimates.

**B. Matters of Public Record**

To reduce unnecessary reproduction of documents and to facilitate these proceedings, identified matters of public record, such as reports that HECO Companies have filed with the Commission, published decisions of this or other Commissions, published scientific or economic statistical data, material and textbooks, technical or industry journals relating to electric utility matters, and specified parts of the record in previous Commission dockets shall be admissible in this proceeding without the necessity of reproducing each document; provided that the document to be admitted is clearly identified by reference to the place of publication, file or docket number, and the identified document is available for inspection by the Commission and the Parties; and further provided that any party has the right to explain, qualify or conduct examination with respect to the identified document. The Commission can rule on whether the identified document can be admitted into evidence when a party proffers such document for admission as evidence in this case.

From time to time, the Parties may enter into stipulations that such documents, or any portion of such documents, may be introduced into evidence in this case.

**C. Copies of Testimony, Exhibits and Information Requests**

1. Copies of Filings, Information Requests, Responses to Information Requests, Statement of Position:

Commission	Original + 8 copies
HECO Companies	2 copies

Consumer Advocate	2 copies
LOL	1 copy
HREA	1 copy
HSEA	1 copy

2. All pleadings, briefs and other documents required to be filed with the Commission shall comply with the formatting requirements prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-16 of the Commission's Rules of Practice and Procedure and shall be filed at the office of the Commission in Honolulu within the time limit prescribed pursuant to Chapter 61, Subchapter 2, Section 6-61-15 of the Commission's Rules of Practice and Procedure.

3. Copies of all documents should be sent to the Parties by hand delivery or United States mail (first class, postage prepaid). The Parties stipulate and agree that service of documents between parties, other than documents designated as confidential pursuant to any protective order adopted in this proceeding, shall be served electronically via e-mail in a portable document format ("pdf") by 5:00 p.m. on the day due. The Parties agree to use Word 97, Word 2000, Word 2002, Word 2003, or later editions of Word readable by these versions as the standard programming format for filings in this case. The Parties also agree to submit any spreadsheets (e.g., used as workpapers or exhibits) in Microsoft Excel format. However, if workpapers, documentation, or exhibits attached to any filing are not readily available in an electronic format, a party shall not be required to convert such workpapers, documentation, or exhibits into an electronic format. Also, existing documents produced in response to requests need not be converted to Word 97, Word 2000, Word 2003 as long as the applicable format is identified.

**D. Communications**

Chapter 61, Subchapter 3, Section 6-61-29 of the Commission's Rules of Practice and Procedure concerning ex parte communications is applicable to any communications between a party and the Commission. However, the Parties may communicate with Commission counsel on matters of practice and procedure through their own counsel or designated official.

Communications between the Parties should either be through counsel or through designated representatives. All pleadings, papers, and other documents filed in this proceeding shall be served on the opposing party. All motions, supporting memoranda, and the like shall also be served on opposing counsel.

**E. General**

These procedures are consistent with the orderly conduct of this docket. Pursuant to Chapter 61, Subchapter 3, Section 6-61-37 of the Commission's Rules of Practice and Procedure, this Stipulated Procedural Order shall control the subsequent courses of the proceedings, unless modified at or prior to the hearing to prevent manifest injustice.

This Stipulated Procedural Order may be executed by the Parties in counterparts, each of which shall be deemed an original, and all of which taken together shall constitute one and the same instrument. The Parties may execute this Stipulated Procedural Order by facsimile for initial submission to the Commission to be followed by the filing of originals of said facsimile pages.

DONE at Honolulu, Hawaii, this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

PUBLIC UTILITIES COMMISSION  
OF THE STATE OF HAWAII

By \_\_\_\_\_  
Carlito P. Caliboso, Chairman

By \_\_\_\_\_  
John E. Cole, Commissioner

By \_\_\_\_\_  
Leslie H. Kondo, Commissioner

APPROVED AS TO FORM:

\_\_\_\_\_  
Stacey Kawasaki Djou  
Commission Counsel

## EXHIBIT A

### Stipulated Procedural Schedule Docket No. 2008-0303

	Procedural Steps	Deadline
1	HECO Companies' Application	December 1, 2008
2	Technical Workshop	April 30, 2009 (1 pm to 4:30 pm)
3	Other Parties' Information Requests to HECO Companies <sup>3</sup>	May 8, 2009
4	HECO Companies' Responses to Information Requests	June 5, 2009
5	Other Parties' Written Testimonies	June 22, 2009
6	Information Requests to Other Parties	June 30, 2009
7	Other Parties' Responses to Information Requests	July 14, 2009
8	HECO Companies' Written Testimonies	July 31, 2009
9	Other Parties' Information Requests to HECO Companies	August 7, 2009
10	HECO Companies' Responses to Information Requests	August 24, 2009
11	Prehearing Conference	Week of September 1, 2009, subject to the call of the Commission.
12	Evidentiary Hearing	Week of September 7, 2009, subject to call of the Commission.
13	Simultaneous Opening Briefs	10/16/09 <sup>4</sup>
14	Simultaneous Closing Briefs	10/30/09

If there is agreement among the Parties following the filing of the SOPs, the Parties may request the Commission to waive the evidentiary hearing in this docket.

<sup>3</sup> "Other Parties" are the Consumer Advocate, LOL, HREA and HSEA. Whenever possible, the Parties will provide a copy of documents on diskette upon request.

<sup>4</sup> This schedule assumes receipt of transcript on September 25, 2009.

CERTIFICATE OF SERVICE

The foregoing Stipulated Procedural Order was served on the date of filing by  
mail, postage prepaid and properly addressed to the following:

CATHERINE P. AWAKUNI  
Executive Director  
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